

1 J. Colby Williams, Esq.
Nevada Bar No. 5549
2 CAMPBELL & WILLIAMS
700 South Seventh Street
3 Las Vegas, Nevada 89101
4 Telephone: (702) 382-5222
jcw@cwlawlv.com
5

6 Attorneys for Defendants
ZUFFA, LLC and UFC Holdings, LLC
7

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

9 CAMERON PARK, individually, and on behalf
10 of all others similarly situated,

11 Plaintiffs,

12 v.

13 ZUFFA, LLC, UFC HOLDINGS, LLC,
14 NEULION, INC., and, DOES 1-100, inclusive,

15 Defendants.

Case No. 2:17-cv-02282-APG-VCF

**UNOPPOSED MOTION TO STAY
PROCEEDINGS PENDING A
TRANSFER DECISION BY THE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

Action Requested by October 10, 2017

1 Defendants Zuffa, LLC (“Zuffa”) and UFC Holdings, LLC (“UFC,” and, collectively,
2 “Defendants”), through their attorneys of record, respectfully request that this Court, for good
3 cause, stay all proceedings in this case pending a decision by the Judicial Panel on Multidistrict
4 Litigation (“JPML”) on the motion, filed on October 3, 2017, under 28 U.S.C. § 1407, to
5 centralize this and other similar lawsuits filed in federal district courts across the country (the
6 “Actions”) for coordinated pretrial proceedings. Specifically, Defendants request the following
7 Order:

- 8 1. Defendants’ time to answer, move or otherwise respond to Plaintiff’s Complaint is
9 hereby extended pending a ruling by the JPML. If the JPML coordinates or
10 consolidates the Actions in this Court, or if it denies centralization, the parties shall
11 contact the Court promptly after receipt of that Order to discuss an appropriate
12 schedule for filing a consolidated or amended complaint, if applicable, and a
13 response date to the operative complaint.
- 14 2. By submission of this motion, Defendants are not waiving and expressly reserve
15 any defense, including for failure to state a claim.

16 In the absence of a stay, Defendants are due to respond to the Complaint by **October 10,**
17 **2017**. Counsel for Plaintiff do not oppose the requested stay.

18 MEMORANDUM OF POINTS AND AUTHORITIES

19 **I. INTRODUCTION**

20 This action is one of at least eight lawsuits (the “Actions”)¹ pending in multiple United
21 States District Courts across the country alleging violations of state consumer protection laws,
22 among other claims, in connection with the streaming broadcast of the boxing match between
23 Floyd Mayweather and Conor McGregor on August 26, 2017. Zuffa, doing business as the

24 ¹ The Actions include: *Bartel v. Showtime Networks, Inc.*, Case No. 3:17-cv-1331 (D. Or.); *Mallh*
25 *v. Showtime Networks, Inc.*, Case No. 1:17-cv-06549 (S.D.N.Y.); *Garcia v. Showtime Networks,*
26 *Inc., William Morris Endeavor Entertainment, LLC, Zuffa, LLC*, Case No. 3:17-cv-01803 (S.D.
27 Cal.); *Ferrandini v. Zuffa, LLC, Showtime Networks, Inc.*, Case No. 2:17-cv-06781 (C.D. Cal.);
28 *Vance v. Showtime Networks, Inc., Showtime Digital, Inc.*, Case No. 1:17-cv-6894 (S.D.N.Y.);
Park v. Zuffa, LLC, UFC Holdings LLC, NeuLion, Inc., Case No. 2:17-cv-02282 (D. Nev.); *Riley*
v. Zuffa, LLC, NeuLion, Inc., Case No. 2:17-cv-02308 (D. Nev.); *Daas v. NeuLion, Inc., Zuffa,*
LLC, Case No. 1:17-cv-06944 (S.D.N.Y.).

Ultimate Fighting Championship (or “UFC”) is a defendant in five of the Actions, including this one and another case in this Court (in which the parties are seeking an identical order)—*Riley v. Zuffa, LLC*, No. 2:17-cv-2308-APG-GWF. In light of the substantial similarities in the allegations and claims in all of the Actions, defendants in the Actions, including Zuffa in a motion filed on October 3, 2017 have requested that the JPML centralize all the cases before a single judge for coordinated pretrial proceedings pursuant to 28 U.S.C. § 1407 (the “MDL Motion”).

Given the strong likelihood that the Actions will be transferred by the JPML to a single court for pretrial purposes, judicial economy favors a stay and coordination of the Actions. All parties will be unnecessarily burdened if forced to litigate the case actively only to have it transferred and consolidated with other cases for further proceedings. In addition, any action by this Court prior to such transfer would be wasteful of the Court's judicial resources and would create the possibility of inconsistencies in the adjudication of the other Actions. Accordingly, this Court should grant the requested stay pending ruling on the MDL Motion.

II. ARGUMENT

Under the Multidistrict Litigation Act, “[w]hen civil actions involving one or more common questions of fact are pending in different districts, such actions may be transferred to any district for coordinated and consolidated pretrial proceedings.” 28 U.S.C. § 1407(a). Although an action is not automatically stayed upon the filing of an MDL Motion, the Court may, in its discretion, grant a stay when it serves the interests of judicial economy and efficiency. It is well-established that a district court has the inherent power to stay proceedings in its own court. *Pate v. DePuy Orthopaedics, Inc.*, No. 2:12-CV-01168-MMD-CWH, 2012 WL 3532780, at *2-3 (D. Nev. Aug. 14, 2012), (citing *Landis v. North American Co.*, 299 U.S. 248, 254-55 (1936) and granting motion to stay proceedings pending MDL transfer determination).

In the specific context of a case awaiting potential transfer by the JPML, “a majority of courts have concluded that it is often appropriate to stay preliminary pretrial proceedings while a motion to consolidate and transfer is pending with the MDL Panel because of the judicial resources that are conserved.” *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D. Cal. 1997); *Esquivel v. BP Co. North Am.*, No. B-10-236, No. B-10-227, No. B-10-237, 2010 U.S.

1 Dist. LEXIS 110015, at *10 (S.D. Tex. Oct. 14, 2010) (“The JPML’s guidance concerning the use
2 of stay orders repeatedly stresses that ‘[a] stay of proceedings concerning questions common to all
3 cases, such as class representation, may be appropriate to preserve the question for the transferee
4 judge and avoid inconsistent rulings.’”). Indeed, case law is replete with decisions where district
5 courts have stayed preliminary proceedings while awaiting decision from the JPML. *See, e.g.,*
6 *Oregon, ex rel. Kroger v. Johnson & Johnson*, No. 11-CV-86-AC, 2011 WL 1347069, at *7 (D.
7 Or. Apr. 8, 2011) (granting stay pending transfer to the MDL when “the interest of judicial
8 economy and consistency far outweigh any possible harm to Plaintiff resulting from a brief stay”);
9 *Vermurlen v. Ameriquest Mortgage Co.*, No. 1:06-CV-828, 2007 WL 3104339, at *1 (W.D. Mich.
10 Oct. 22, 2007) (granting stay pending transfer to MDL “in the interest of judicial economy and
11 efficiency”); *Buie v. Blue Cross & Blue Shield of Kansas City, Inc.*, No. 05-0534-CV-W-FJG,
12 2005 WL 2218461, at *1 (W.D. Mo. 2005) (granting stay pending transfer to MDL “in order to
13 avoid duplicative proceedings” where “defendants will be forced to simultaneously litigate the
14 same issues” and the “potential prejudice to plaintiffs is minimal, especially considering that
15 plaintiffs’ counsel will be arguing substantially the same issues”).

16 “When considering a motion to stay proceedings pending a possible transfer to an MDL
17 court, a district court may consider factors such as any potential prejudice to the non-moving
18 party, hardship or inequity to the moving party if the proceedings are not stayed, and the interests
19 of judicial economy and efficiency.” *Mangani v. Merck & Co.*, No. 2:06-CV-00914-KJD-PAL,
20 2006 WL 2707459, at *1 (D. Nev. Sept. 19, 2006) (*citing Rivers*, 980 F. Supp. at 1360). In this
21 case, consideration of each of these factors supports granting a stay through the date the JPML
22 rules on the pending motion to coordinate.

23 **1. Staying This Case Will Not Prejudice Any Party.**

24 No party will suffer any prejudice if the case is stayed at this time. No issues of venue,
25 jurisdiction, or other pretrial motion issues have been raised. No discovery has occurred, and the
26 parties have not yet begun meetings and exchanges pursuant to Rules 16(b) and 26(f) of the
27 Federal Rules of Civil Procedure. And Plaintiff does not oppose this motion. The motion sought
28 is of reasonable duration and will expire upon the JPML’s decision on the pending motion.

1 **2. Defendants Will Be Significantly Prejudiced If The Case Is Not Stayed.**

2 Courts have widely recognized the prejudice that parties suffer if a complex individual
3 case proceeds with pretrial activity and discovery pending a decision on an MDL transfer. *See,*
4 *e.g., Hernandez v. ASNI, Inc.*, No. 2:15-CV-00078-LDG-NJK, 2015 WL 3932415, at *1 (D. Nev.
5 June 24, 2015) (“[c]ourts frequently grant stays pending a decision by the MDL Panel regarding
6 whether to transfer a case,” and then granting such a stay because “the hardship and inequity to
7 [the defendant] would be significant, as denying its request . . . would result in duplicative
8 litigation in multiple courts.”); *see also Pate*, 2012 WL 3532780, at *2 (“[a] stay pending an MDL
9 transfer order will avoid duplicative discovery and pretrial management efforts.”).

10 This case is no different. Without a stay, Defendants will face substantial prejudice in that
11 they will be obligated to answer, or otherwise respond to, the complaint; to proceed with a Rule
12 26(f) conference; and to submit an initial report and proposed discovery plan under Rule 26(f).
13 All of these matters could well occur before the MDL Motion is decided by the JPML, and all
14 would be repeated before the MDL court if the case is transferred. Preliminary matters such as
15 these are commonly handled by the MDL court and should be handled by that court in this case.

16 As stated previously, Zuffa also is a defendant in four of the other Actions. Plaintiffs in
17 most of the other cases have consented to stays, which Zuffa is in the process of seeking from the
18 other courts so it is not forced to engage in duplicative responses to the complaints and discovery,
19 and to avoid risk of inconsistent orders or rulings in this case and the various other similar cases.
20 This risk can be eliminated in part if this case is stayed pending ruling by the JPML.

21 **3. A Stay Of This Case Will Conserve Judicial Resources.**

22 A stay pending a potential MDL transfer is appropriate where it will conserve judicial
23 resources and enhance efficiency. *See, e.g., Hernandez*, 2015 WL 3932415, at *1 (granting
24 motion to stay pending decision on MDL transfer as “resources would be saved by avoiding . . .
25 duplicative litigation.”). If this case proceeds before the JPML’s ruling, duplicative pretrial
26 proceedings likely would occur. The Court may have to consider and decide motions to dismiss
27 and approve a case management plan. In addition, the Court may become involved in initial
28 discovery disputes. Subsequently, if the case is transferred by the JPML, all of this Court’s effort

1 would be repeated and duplicated by the MDL court and this would “unnecessarily consume
2 judicial time and energy.” *Rivers*, 980 F. Supp. at 1360. The Court should therefore stay the case,
3 pending the decision on the MDL Motion, as other courts routinely do in similar circumstances.

4 **III. CONCLUSION**

5 The Court should exercise its inherent power to stay this case until forty-five (45) days
6 after the JPML rules on the MDL Motion on terms requested above. A stay of this case will not
7 prejudice any party, will protect all the parties from duplicative and burdensome efforts and
8 potentially inconsistent rulings, and will promote judicial economy and efficiency in this
9 litigation. In addition, granting this motion ensures that Defendants will have sufficient time to
10 prepare and respond to the complaint in the unlikely even the MDL Motion is denied.

11
12 DATED: October 4, 2017

CAMPBELL & WILLIAMS

13 /s/ J. Colby Williams

14 J. Colby Williams

15
16 Attorneys for Defendants ZUFFA, LLC and
UFC HOLDINGS, LLC

17
18 IT IS SO ORDERED:

19 
UNITED STATES MAGISTRATE JUDGE

20 DATED: 10-13-2017
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that service of the foregoing **Unopposed Motion to Stay Proceedings Pending a Transfer Decision by the Judicial Panel on Multidistrict Litigation** was served on the 4th day of October, 2017 via the Court’s CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ J. Colby Williams
An employee of Campbell & Williams